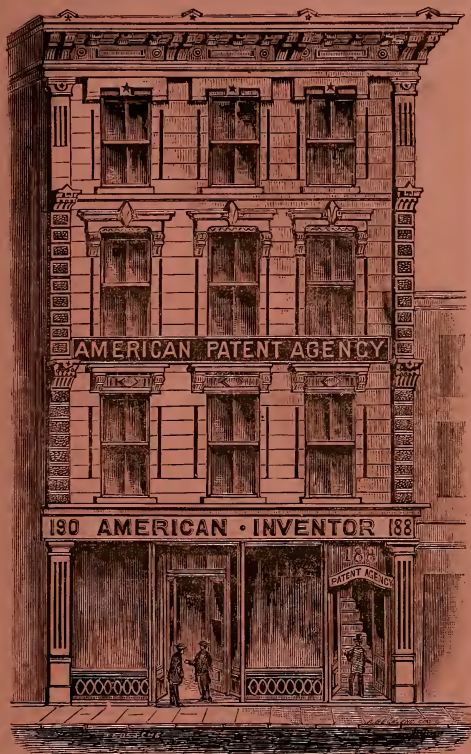


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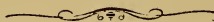
The Inventor's Manual.



HOW TO PROCURE AND SELL
PATENTS.

✓ AMERICAN PATENT AGENCY,
CINCINNATI, OHIO.

Patent Litigation.



We Give Special Attention to Prosecuting Claims for Infringement of Letters Patent, Trade Marks, or Copyrights.

Reports furnished upon the Validity of Claims.

Examinations as to the State of the Art in any Class with Written Opinion.

Attention Given to Practice in the United States Courts.

American Patent Agency,

HOME OFFICE:

188 and 190 West Fifth Street, CINCINNATI, O.

J. S. ZERBE,

Attorney and Counselor in Patent Cases.

THE

Inventor's Manual,

SHOWING

HOW TO PROCURE

—AND—

SELL PATENTS.

Containing Practical Suggestions for the Benefit of
Inventors and Patentees.



PUBLISHED BY
AMERICAN PATENT AGENCY,
188 AND 190 WEST FIFTH STREET,
CINCINNATI, O.

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REASONS WHY INVENTORS Should Procure their Patents

—THROUGH THE—

American Patent Agency,

CINCINNATI, OHIO.

1. The location of the Home Office is central, and it has, in addition, an Associate Office in Washington, by means of which the business is personally attended to before the Patent Office.
2. This Agency employs only experienced solicitors and draughtsmen to prepare cases; the gentleman having charge of the Soliciting Department is an attorney of many years practice before the Office.
3. It has a complete record of all patents issued, from the inception of the Patent Office, showing the state of the art in any class, for aid in making preliminary examinations and in preparing new cases.
4. It publishes in the columns of the AMERICAN INVENTOR a full and complete description of all patents obtained through this Agency *free of charge*.
5. It has a Special Department—the largest in this country—for the introduction and sale of patents, and has in its charge over forty branch offices located in the principal cities of the Union.
6. It makes no additional charge for preliminary examination; and in no case will charges for *extras* be demanded, however arduous the labor, except in cases of appeal.
7. It renders the best service for the most moderate fees, and does not claim to have facilities at the Patent Office other than is possessed by all reliable firms.

OUR TERMS AND METHOD

—OF—

CONDUCTING BUSINESS.

Our fees are not contingent. The Commissioner of Patents has frequently referred to the pernicious evils which result from obtaining patents where the attorneys receive no fees until the patent is allowed. They use every means to obtain a patent, regardless of the quality of the claim, so they can claim their fees or allowance. When an inventor pays us to procure a patent for him, we are in honor bound to render him faithful service, and secure a valid claim at whatever sacrifice of time and labor.

The work required to prepare a patent case is trivial compared with the work often necessary to prosecute cases after once sent to the Patent Office. It is frequently the case that the drawings and papers can be prepared within an hour or two, but the subsequent work, in watching it through every stage in the Office, and in seeing justice done to your client, will make up for the ease with which the case is prepared. To secure strong, equitable claims is the duty of the honorable attorney, and not to push it through in the shortest time. One-half of the worthless patented claims to-day are the result of eagerness on the part of attorney or patentee to secure the patent. A claim can be worded so as to mean nothing at all, or to embrace a combination which conveys no security to the patentee. Such claims usually result where no other object is sought for on the part of the attorney but the patent—and his fees. It will pay to procure competent counsel and remunerate him accordingly.

WHO MAY OBTAIN A PATENT.

Any person, whether citizen or alien, being the original and first inventor or discoverer of any new and useful art, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent for his invention or discovery, subject to the conditions hereinafter named.

Joint Inventors.

Joint inventors are entitled to a joint patent; neither can claim one separately; but the independent inventors of separate and independent improvements in the same machine cannot obtain a joint patent for their separate inventions, nor does the fact that one man furnishes the capital and the other makes the invention entitle them to make application as joint inventors.

What Will Bar a Patent.

A patent will not be granted to an applicant if what he claims as new has been, before his invention, patented or described in any printed publication in this or any foreign country, or been invented or discovered in this country, nor if he has once abandoned his invention, nor if it has been in public use or on sale more than two years previous to his application.

What Constitutes Invention.

Merely conceiving the idea of an improvement or machine is not an "invention" or "discovery." The invention must have been reduced to a practical form, either by the construction of the machine itself, or by such disclosure of its exact character that a mechanic, or one skilled in the art to which it relates, can and does construct the improvement, before it will prevent a subsequent inventor from obtaining a patent.

MODE OF PROCEEDING TO OBTAIN A PATENT.

The question that naturally arises in the mind of every inventor as soon as an invention is completed is: "Can I obtain a patent?" To ascertain this, by at once making an application and paying the required fees, will, in many cases, subject the applicant to needless expense which could have been obviated by an investigation prior to taking the final steps. To ascertain whether the device is patentable we must institute, at the request of the inventor, a

Preliminary Examination

Of the records of the Patent Office. To do this it is necessary for us to have either a model or a rough sketch or drawing, and a description of the invention and \$5 00, the cost for making such search. If it is found that the invention is not anticipated by a prior patent, the \$5 00 thus paid will be regarded as part of our fee in preparing the application for a patent.

If we find that a patent exists for a similar device, the inventor will be so informed, and such suggestions given as will enable the inventor to procure a patent for the parts found to be new and valuable.

As a general thing this examination will enable us to

give a pretty correct idea of the patentability of the article. But in some instances a caveat may have been filed, which is a confidential communication to the Patent Office, and hence not known by any one outside of the officials connected with the Department. There are also cases where a similar device has been rejected, or a similar invention has been publicly advertised or described in some printed publication. But this examination has reference only to the Patent Office records.

The Application—Cost.

If the invention is found to be patentable, the inventor is so notified, and the preliminary papers are sent for signature. These are to be returned to us with \$15 00, the amount of the first Government fee, and a model, when the case will be prepared and returned for oath and final signature. The papers are then sent to us executed, and the amount of our fee, \$25 00, is then due, and should be remitted. In case a preliminary examination has been made and \$5 00 remitted therefor, the amount to be sent is \$20 00. The amount of our fee in complex cases will be more than \$25 00, but the inventor will be notified when we take the case what the full charge will be.

Model Requirements.

A working model is always desirable, in order to enable the Office fully and readily to understand the precise operation of the machine, and it must be neatly and substantially made of durable material, metal being deemed preferable, and should not in any case be more than one foot in length, width or height. If made of pine or other soft wood, it should be painted, stained or varnished. Glue must not be used, but the parts should be so connected as to resist the action of heat or moisture. To prevent loss, the model or specimen should always have the name of the inventor permanently fixed thereon.

When the invention or discovery is a composition of matter, the applicant, if required by the Commissioner, shall furnish specimens of ingredients and of the composition sufficient in quantity for the purpose of experiment. In all cases where the production is not perishable a specimen put up in form, so as to be preserved by the Office, should be filed. Ordinary, well-known ingredients need not be furnished, unless the Office disputes their operation in the manner as stated by applicant.

Drawings.

The applicant for a patent is required by law to furnish a drawing of his invention, where the nature of the case admits of it.

Three several editions of patent drawings are printed and published—one for Office use, certified copies, etc., of the size and character of those attached to patents, the work being about six by nine and a half inches; one reduced to half that scale, or one-fourth the surface, of which four will be printed on a page to illustrate the volumes distributed to the courts, etc.; and one reduction—to about the same scale—of a selected portion of each drawing, to illustrate the Official Gazette.

This work will all be done by the photo-lithographic or other analogous process, and therefore the character of each original drawing must be brought as nearly as possible to a uniform standard of excellence, suited to the requirements of the process, and calculated to give the best results in the interests of inventors, of the Office and of the public generally.

The size of a sheet on which a drawing is made should be exactly ten by fifteen inches. One inch from its edges a single marginal line is to be drawn, leaving the "sight" precisely eight by thirteen inches.

All drawings must be made with the pen only, using the blackest Indian ink. Every line and letter (signatures

included) must be *absolutely black*. This direction applies to all lines, however fine, to shading, and to lines representing cut surfaces in sectional views.

The greatest care is necessary in the preparation of these drawings, and the Patent Office requires that they shall be executed in the highest style of the art. We employ only experienced draughtsmen to perform this work.

The Specification.

By far the most important part of the application is the specification, which is a written description of the invention or discovery, and of the manner and process of making, constructing, compounding and using the same, and is required to be in such full, clear, concise and exact terms, avoiding unnecessary prolixity, as to enable any person skilled in the art or science to which it appertains, or with which it is most nearly connected, to make, construct, compound and use the same. It must be followed by a specific and well-defined claim of the part, improvement, or combination which the applicant regards as his invention or discovery. In all applications for patents upon mere improvements, the specification must particularly point out the part or parts to which the improvement relates, and must by explicit language distinguish between what is old and what is claimed as the improvement, so that the Office and the public may understand exactly for what the patent is granted; and in such cases the description and the drawings, as well as the claims, should be confined to the specific improvement and such parts as necessarily co-operate with it. The specification must be signed by the inventor, or by his executor or administrator, and must be attested by two witnesses. Full names must be given, *and all names, whether of applicants or witnesses, must be legibly written.*

In the preparation of these papers no one is qualified unless he has made it a study for years. Not only should an attorney be well versed in law, but it is indispensable that he should have a thorough training in physics, and be, in addition, fully posted in the advancement of art and science. It is too often the case that inventors find to their great loss that experience in the preparation of these papers is essential. The description must be accurate, but not elaborate, and here it is that so many fail to convey the full gist of the invention, or omit entirely the most important features.

The Claims.

It is in the draughting of claims that the highest order of legal and scientific analysis is required. The claims may be termed the pivot upon which the whole title or right to a patent hinges, if they are defective, the patent is worthless. The mere possession of the patent papers is valueless in case of infringement if the claims are worthless. It must not be too broad, nor should it omit that which the inventor is really entitled to. But not alone in this respect must care be exercised. The exact quantity may be stated in a claim, but in such obscure or uncertain language as to defeat its own purpose; or it may, by careless construction, fail to embody even all the elements that are named. This care and ingenuity cannot be attained except by experience, and we therefore deem it important to allow no one but the most experienced to draw these claims.

CAVEATS.

Any citizen of the United States, or alien, who has resided for one year last past in the United States, and has made oath of his intention to become a citizen thereof, can file a caveat in the secret archives of the Patent Office,

and if, at any time within one year thereafter, another person applies for a patent with which such caveat would in any manner interfere, such application will be suspended, and notice thereof will be sent to the person filing the caveat, who, if he shall file a complete application within the prescribed time, will be entitled to an interference with the previous application, for the purpose of proving priority of invention, and obtaining the patent, if he be adjudged the prior inventor. A caveat need not contain as particular a description of the invention as is requisite in a specification; but still it must set forth the design of the invention and the distinguishing characteristics thereof, and the description should be sufficiently precise to enable the Office to judge whether there is a probable interference when a subsequent application is filed.

No model is required, and it is only necessary that the inventor should forward to us a rough sketch with a description in his own language of its operation, together with \$20 00, the amount in full, of which \$10 00 is the Government fee and \$10 00 our fee for preparing the papers and drawings. The caveat is good for one year, and can be renewed on payment of the Government fee.

PATENTS FOR DESIGNS.

A patent for a design may be granted to any person who, by his own industry, genius, efforts, and expense, has invented or produced any new and original design for a manufacture, bust, statue, alto-relievo, or bas-relief; any new and original design for the printing of woollen, silk, cotton, or other fabrics; any new and original impression, ornament, pattern, print or picture, to be printed, painted, cast, or otherwise placed on or worked into any articles of manufacture; or any new, useful, and original shape or

configuration of any article of manufacture, the same not having been known or used by others before his invention or production thereof, or patented or described in any printed publication, upon payment of the duty required by law, and other due proceedings had the same as in cases of inventions or discoveries. These patents are granted for the term of three and one-half years, or for seven years, or for fourteen years, as the applicant may, in his application, elect.

Proceedings for Design Patents

Are the same as for applications for patents. The specification must point out the characteristic features of the design, and the claims must be distinct and specific. The design can be sufficiently represented by drawings or photographs, of which we must have twelve copies unmounted, which should not be more than seven and one half by eleven inches in size. The Government fees for design patents are as follows: For three and one-half years, \$10 00; seven years, \$15 00; fourteen years, \$30 00. Our fee in either case would be \$10 00.

TRADE MARKS.

Any person or firm domiciled in the United States, and any person, firm, or corporation resident of or located in any foreign country which, by treaty or convention, affords similar privileges to citizens of the United States, may obtain a trade mark under the law of July 8, 1870. To obtain such trade mark patent we require the following:

1. The names of the parties and their residences and places of business.
2. The class of merchandise and the particular descrip-

tion of goods comprised in such class, by which the trade mark has been or is intended to be appropriated.

3. A description of the trade mark itself, with fac-similes thereof, and the mode in which it has been or is intended to be applied and used.

4. The length of time, if any, during which the trade mark has been used.

5. The payment of \$20 00, the first Government fee being \$10 00, and our fee, \$10 00, the last Government fee, \$15 00, being payable only in case the trade mark is allowed.

Term of Trade Marks.

The protection for such trade mark will remain in force for thirty years, and may, upon the payment of a second fee, be renewed for thirty years longer, except in cases where such trade mark is claimed for, and applied to, articles not manufactured in this country, and in which it receives protection under the laws of any foreign country for a shorter period, in which case it shall cease to have force in this country, by virtue of the registration, at the same time that it becomes of no effect elsewhere.

The right to the use of any trade mark is assignable by any instrument of writing, and such assignment must be recorded in the Patent Office within sixty days after its execution, in default of which it shall be void as against any subsequent purchaser or mortgagee for a valuable consideration, without notice. The fees will be the same as are prescribed for recording assignments of patents.

INTERFERENCES.

An "interference" is a proceeding instituted for the purpose of determining the question of *priority of invention* between two or more parties claiming the same patentable subject-matter.

An interference will be declared in the following cases:

1. When two or more parties have applications pending before the Office at the same time, and their respective claims conflict in whole or in part.

2. When two or more applications are pending at the same time, in each of which a like patentable invention is shown or described, and claimed in one, though not specifically claimed in all of them.

3. When an applicant, having been rejected upon any unexpired patent, claims to have made the invention before the patentee.

Where a preliminary interference is declared on matter shown but not claimed in the application last filed, the applicant must, in order to avoid the continuance of the interference, disclaim the invention of the particular matter so shown.

The fact that one of the parties has already obtained a patent will not prevent an interference; for, although the Commissioner has no power to cancel a patent already issued, he may, if he finds that another person was the prior inventor, give him a patent also, and thus place both parties on an equal footing before the courts and the public.

The steps required in interference cases are as follows:

1. A preliminary statement of the applicant under oath, showing when he conceived the invention, the date it was reduced to model or drawing, and extent of its use.

2. Taking of the deposition of the inventor and witnesses, and cross examining witnesses of his opponent.

3. Presentation of the case and argument before the Patent Office tribunal.

It should be understood that there is no appeal from the decision of the Commissioner in interference cases, and therefore care should be exercised in employing only such counsel as can give the matter the most careful at-

tention. Our long experience with cases of this character enables us to give valuable advice to our clients.

REISSUES.

A reissue is granted to the original patentee, his legal representatives, or the assignees of the entire interest, when, by reason of a defective or insufficient specification, or by reason of the patentee claiming as his invention or discovery more than he had a right to claim as new, the original patent is inoperative or invalid, provided the error has arisen from inadvertence, accident, or mistake, and without any fraudulent or deceptive intention.

Importance of Reissues.

Several features relative to the law of reissues makes this an important branch of the patent business, and the preparation of the necessary papers requires more than the usual care and experience. In the reissue application no change or improvement is allowed, and in case such change is made, it must be by a new and separate application.

In all cases of applications for reissues the original claim, if reproduced in the amended specification, is subject to re-examination, and may be revised and restricted in the same manner as in original applications. The application for a reissue must be accompanied by a surrender of the original patent, or, if lost, then by an affidavit to that effect and a certified copy of the patent; but if any reissue be refused, the original patent will, upon request, be returned to the applicant.

Preparatory to obtaining a reissue we make an examination as to the scope and validity of the Letters Patent, to ascertain if any advantage would arise if it contained matter subject to reissue. For this we make no charge

Should a reissue be advised, we will at once prepare the case upon receipt of \$50 00, of which \$30 00 is the Government fee and \$20 00 a portion of our fee. Our fees in full, in such cases, range from \$25 00 to \$50 00.

DISCLAIMERS.

Whenever, by inadvertence, accident, or mistake, the claim of invention in any patent is too broad, embracing more than that of which the patentee was the original or first inventor, some material or substantial part of the thing patented being truly and justly his own, the patentee, his heirs, or assigns, whether of a whole or of a sectional interest, may, upon payment of the duty required by law, make disclaimer of such parts of the thing patented as the disclaimant shall not choose to claim or to hold by virtue of the patent or assignment, stating therein the extent of his interest in such patent; which disclaimer shall be in writing, attested by one or more witnesses, shall be recorded in the Patent Office, and shall thereafter be considered as part of the original specification, to the extent of the interest possessed by the claimant and by those claiming under him after the record thereof.

The cost complete for filing disclaimer will not range above \$20 00, of which \$10 00 is the Government fee and \$10 00 our fee.

APPEALS.

Every applicant for a patent or the reissue of a patent any of the claims of which have twice been rejected upon the merits of the invention, may appeal from the decision of the primary examiner, in such case, to the Board of Examiners-in-chief, having once paid a fee of \$10 00. For

this purpose a petition in writing must be filed, signed by the party, or his authorized agent or attorney, praying an appeal, and setting forth the reasons upon which the appeal is taken.

In these cases it is always found advisable to have oral argument before the Board. He then has the privilege of appealing from the Examiners-in-chief to the Commissioner in person, and from the Commissioner to the Supreme Court of the District of Columbia, sitting *in banc*.

The Government fees are as follows: 1. Appeal from Examiner to Examiner-in-chief, \$10 00. 2. Appeal to Commissioner, \$20 00. Our fee in either case would depend altogether upon the labor involved.

REGISTRATION OF PRINTS AND LABELS.

By an act of Congress approved June 18, 1874, it is provided that certain prints and labels may be registered in the Patent Office, but in the construction of this act the words "engraving," "cut," and "print" shall be applied only to pictorial illustrations of works connected with the fine arts, and no prints or labels designed to be used for any other articles of manufacture shall be entered under the copyright law, but may be registered in the Patent Office.

By the word "print" as used in the said act, is meant any device, picture, word or words, figure or figures (not a trade mark) impressed or stamped directly upon the articles of manufacture, to denote the name of the manufacturer, or place of manufacture, style of goods, or other matter.

By the word "label," as therein used, is meant a slip or piece of paper, or other material, to be attached in any

manner to manufactured articles, or bottles, boxes, and packages containing them, and bearing an inscription (not a trade mark) as, for example, the name of the manufacturer, or the place of manufacture, the quality of goods, directions for use, etc.

By the words "articles of manufacture," to which such print or label is applicable by said act, are meant all vendible commodities produced by hand, machinery, or art.

To entitle the owner of any such print or label to register the same in the Patent Office, it is necessary that five copies of the same be sent to us with \$16 00, the cost in full, of which \$6 00 is the Government fee and \$10 00 our fee. The certificate of registration continues in force for twenty-eight years.

Copy-Rights.

The Patent Law of July 8, 1870, provides that any citizen or resident of the United States who is the author, inventor, or proprietor of any book, map, chart, dramatic or musical composition, engraving, cut, print, photograph, painting, drawing, chromo, statuary, etc., may secure a copyright for a period of twenty-eight years.

The mode of procedure is to record the printed title of the book or printed description of the photograph, etc., in the office of the Librarian of Congress. This must be done before the book or composition is published. Two copies or specimens of the book or composition to be copyrighted must also be forwarded to the Librarian of Congress within ten days after publication. If a work of art, a photograph thereof should be transmitted in the same manner.

We prepare such cases and pay all Government fees on receipt of \$4 00.

Canadian Patents.

It may, perhaps, be unnecessary to call attention to the

fact that Canadian patents are, as a rule, as valuable as American patents. They are an energetic, appreciative people, so near to our own borders that they may be regarded as part of our people in customs and manners. American inventors are daily beginning to realize the necessity of procuring patents in Canada. It comprises the Provinces of Nova Scotia, Ontario, New Brunswick, and British Columbia, and has a population of over 5,000,000 souls, nearly equal to the States of New York and Pennsylvania combined. The application for the Canadian patent must be made within one year from the time the American patent is issued.

The Term of Canadian Patents.

Canadian patents will be granted for a term of either five, ten, or fifteen years, and the applicant may elect, at the outset, for the term desired. The holder of a five year patent has the privilege of two extensions, each for a period of five years, thus making fifteen years in all, and the holder of a ten year patent has the privilege of one extension.

Application for Canadian Patent.

Those desiring to apply for a patent should send us a model with a description, the same as in cases of American patents, with the requisite fee for the term desired. The case will then be prepared and returned to the applicant for oath and signature. The **FULL NAME** of the inventor will be required, and also his *occupation*. The model must not exceed twelve inches in dimensions.

Manufacturing Patents in Canada.

The Canadian patent requires that the manufacture of a Canadian patent must be commenced within one year after its issue, or the patent will become void.

Cost of Canadian Patent.

The charges for the same are very reasonable. These charges include everything to insure the delivery of the papers to you, including government fees and our own, preparing the specifications, original and duplicate drawings, etc., and may be stated as follows: For a five year patent, \$40 00; for a ten year patent, \$60 00; for a fifteen year patent, \$80 00.

SHIPMENT OF MODELS.

It is frequently the case that parties forward to us boxes containing models of little or no value, expecting us to pay express charges. A strict and invariable rule compels us to refuse them unless the charges for transportation have been paid or remitted with the letter of instructions.

We also call particular attention to the marking of models, so they can be identified on receipt. Be careful, therefore, to give us not only the name of the inventor, but also the name of the article and the address of the party forwarding the same. A little care and thought thus exercised will greatly aid us to facilitate your business.

CORRESPONDENCE.

We take pleasure in answering any questions or in giving advice relative to inventions, for which we make no charge whatever, but we suggest that where such information has reference only to affairs not connected with our office, or only for the benefit of the party making such inquiries, that at least sufficient postage be enclosed to pay for returning the answer. This is a rule which is recognized among all business men, and when not adhered to in the case of our correspondents, no offense should be

taken if such letters remain unanswered. The large mail that we receive daily makes it imperative that the office should first answer parties who have some appreciation of our efforts to render service, and act accordingly, and it affords us pleasure to communicate with such parties. We trust our friends will bear this in mind in writing to us.

FOREIGN PATENTS.

American inventors have found that patents in European countries are as a rule profitable. Foreigners are beginning to appreciate American inventions, and the result of the late Exposition at Paris has demonstrated that American manufacturers are in still greater demand than they were during the previous World's Fair, at Vienna. The great Centennial Exposition was a wonderful incentive to inventors, and demonstrated—what was confirmed at Paris—that the reputation of American inventions is greater than that of any other nation, and, as a prominent European remarked, the “reputation of Yankee inventions in Europe commands for them a greater respect and more certainly insures success than the inventions of our own mechanics.” While all these circumstances are inuring to the benefit of our inventors, foreign powers are gradually lessening the cost of procuring patents, so that the cost of obtaining patents now can be done for less than half of what was required ten years ago.

Foreign Fees—How Payable.

All foreign Government fees are payable in gold, but in making our estimates of the amount we have consulted the convenience of inventors and given the figures in our currency.

Great Britain.

In this country patents are granted for fourteen years, and can be obtained by any person who applies, whether he be the inventor or an importer of the invention. The costs are as follows: Provisional protection, good for a period of six months only, \$60 00. To complete the patent \$165 00 additional is required, making the total cost \$225 00. This includes all Government fees, engrossing of provisional specification, expense of declaration, notice to proceed, application for great seal, filing complete specification, and attorney's fees.

France.

Patents are issued for fifteen years, and the annual tax is \$20 00. We procure these patents and pay the first year's tax for \$65 00.

Belgium.

The life of the patent is twenty years, and the patentee is required to pay a yearly annuity. The yearly increase of the Government tax is \$2 00. Our charge complete which includes the first year's tax, is \$45 00.

Austria.

In this country the patent can be extended to fifteen years. The letters patent complete will cost \$90 00.

Hungary.

Letters patent for this country are included in the Austrian patent in accordance with the new law.

German Empire.

The new law in Germany, passed in 1877, grants letters patent for the whole of the German Empire under one seal, instead of for each principality. The States included in this law are the following: Alsace-Lorraine, Alten-

berg, Anhalt, Baden, Bavaria, Brunswick, Coburg-Gotha, Hanover, Hesse Darmstadt, Lippe Detmold, Lippe Schaumberg, Meiningen, Oldenberg, Prussia, Reuss-Greiz, Reuss-Sleiz, Schwartzberg Rudolstadt, Schwartzberg Sonderhausen, Saxony, Waldeck, Weimar, Wurtemberg.

The total population included in the above is over 45,000,000. The period for which a patent is issued is fifteen years, and the cost, including the first year's tax, is \$95 00.

Russia.

The life of a patent here is three, five or ten years, at the option of the applicant. The cost is \$350 00, \$450 00, and \$500 00 respectively.

Spain.

The Spanish Government now issues a patent on one application for all parts of its dominions. A mere importer can obtain a patent for five years, and an inventor twenty years, while in both cases a yearly annuity must be paid to maintain the patent. The cost complete is \$240 00.

Italy.

The lifetime of the patent is fifteen years, with a small, annual, increasing annuity. The cost is \$95 00.

Norway.

Patents in this country are granted for periods ranging from five to fifteen years, but have no annual tax. The total cost is \$95 00.

Sweden.

Full term of the patent fifteen years. No annual payments. Cost complete, \$110 00.

Portugal.

Terms of patent, fifteen years. Cost complete, \$175 00.

Note on Foreign Applications.

We are prepared to attend to business, of whatever nature, relating to foreign inventions. We are associated with a firm in London, England, which is regarded as one of the leading Agencies in Europe. We have at all times blank forms for obtaining foreign patents, and any advice desired in relation to obtaining patents abroad will be promptly furnished by application to our Home Office.

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**SUMMARY OF UNITED STATES PATENT FEES  
AND ATTORNEY'S FEES.**

|                                                                | Gov. Fee. | Atty Fee |
|----------------------------------------------------------------|-----------|----------|
| Design patent for $3\frac{1}{2}$ years.....                    | \$10.00   | \$15.00  |
| Design patent for 7 years.....                                 | 15.00     | 15.00    |
| Design patent for 14 years.....                                | 30.00     | 15.00    |
| On filing every caveat.....                                    | 10.00     | 10.00    |
| On filing application for a patent.....                        | 15.00     | 25.00    |
| On issuing each original patent.....                           | 20.00     | ....     |
| On filing a disclaimer.....                                    | 10.00     | ....     |
| On filing every application for a reissue..                    | 30.00     | ....     |
| Filing application for division of a reissue.                  | 30.00     | ....     |
| Filing every application for an extension.                     | 50.00     | ....     |
| On the grant of every extension.....                           | 50.00     | ....     |
| Appeal from a primary Examiner to Exam-<br>iners-in-Chief..... | 10.00     | ....     |
| Appeal to the Commissioner from Exam-<br>iners-in-Chief.....   | 20.00     | ....     |
| On depositing trade-mark for registration.                     | 25.00     | 10.00    |
| On depositing a label for registration....                     | 6.00      | 10.00    |
| For certified copy of a patent, for every<br>100 words.....    | .10       | ....     |
| For recording assignment of 300 words<br>or under.....         | 1.00      | ....     |

# SALE DEPARTMENT

## American Patent Agency,

HOME OFFICE:

188 and 190 West Fifth Street,  
CINCINNATI, OHIO.

J. A. HUGHES,

Superintendent.

J. S. ZERBE,

Attorney and Counselor in Patent Cases.

### BRANCH OFFICES:

|                             |                                            |
|-----------------------------|--------------------------------------------|
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| L. JADOT.....               | Baton Rouge, La.                           |
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| E. MILLER.....              | Louisville, Ky.                            |
| BEARD BROS. & SENN.....     | Columbia, S. C.                            |
| EDWARD LEAVITT.....         | Bangor, Maine.                             |
| GEO. W. BURTON, SR.....     | Dubuque, Iowa, 763 Main St.                |
| H. R. FRISBIE.....          | Newport, R. I.                             |
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| L. M. PATTERSON.....        | Natchez, Miss.                             |
| P. JACOBS.....              | Salt Lake City, Utah, 85 Main St.          |
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| CAPT. N. STEARNS & SON..... | Virginia City Nev.                         |
| LEIGH BROS. & PHELPS.....   | Norfolk, Va., 45 Roanoke Ave.              |
| H. T. STAPLEFORD.....       | Ft. Wayne, Ind.                            |
| SHERMAN & BELL.....         | Milwaukee, Wis., 116 Grand Avenue.         |
| J. F. HALL.....             | New Orleans, La., 204 Terpsichore St.      |
| E. R. & F. DEVERALL.....    | Memphis, Tenn., 39 Union St.               |
| W. C. BERINGER.....         | Pittsburg, Pa., 116 Smithfield Street.     |
| JAS. A. GIBBS.....          | Charleston, S. C., 74 Hasel Street.        |
| H. KROUSE & CO.....         | Atlanta, Ga.                               |
| G. F. BOSHER.....           | Manchester, N. H.                          |
| JNO. H. HILL.....           | Hannibal, Mo.                              |
| JACKSON & COWAN.....        | Montgomery, Ala.                           |
| H. ROUSE.....               | Rondout, N. Y.                             |
| THOS. GIBSON.....           | Omaha, Neb., 271 Farnham St.               |

**LEGITIMATE AGENCIES.**

During the past two years a number of patent agencies have sprung up in different parts of the United States, so that, to-day, an inventor has no sooner had his patent allowed than he is flooded with circulars from the different agencies, showing immense facilities, and how much it would be to the patentee's interest to place the patent for sale in the hands of the aforesaid agencies—some asking five dollars advance fee, others ten dollars, and some fifteen dollars, but never over that amount, as they think that, before the inventor would risk over that amount, he would likely make inquiries as to their standing and responsibility, and investigate their wonderful facilities.

The consequence has been that a great many have sent the amount demanded, with their models, and have never heard of their patents again, not even having the models returned; and it is no wonder, therefore, that now agencies are looked upon as humbugs and with suspicion, and that patentees have no inclination to do business with any of them, but keep their models and papers at home. Since nine out of every ten inventors, from pecuniary and other causes, are unable to put their patents on the market and before the public in the right manner, the patents get old, and they never realize from them. Thousands of valuable patents have never yielded inventors anything for this very reason. The question now arises, "What ought the inventor to do?" The answer is plain: Protect yourself at the start, and not "lock the stable door after the horse is gone." In other words, make the proper inquiries as to the standing and responsibility of such agencies. Find out if they really have the offices and facilities they claim. This can be done to a certain extent through parties for whom they claim to have done business, or through their references.

An honest and legitimate agency will not avoid an investigation, but rather court it, since such a course must necessarily in the future greatly redound to its advantage, if dishonest firms are prevented from gaining a foot-hold. Investigation means security to inventors and justice to reliable agencies.

The success of the American Patent Agency the past two years has induced several agencies to copy part of our printing and imitate our circular, and one agency in the West had the impudence to copy our circular entire. Even at the present time, a certain party in this city is sending out circulars soliciting business, when the fact is he has not even an *office* to conduct business in. These parties cannot, of course, make a copy of the AMERICAN INVENTOR, since none of them have sufficient means to issue more than one number, if they should be able to do that even; but they get up a mass of *references, agents, branch offices*, etc., and it is not at all surprising that the patentee should be bewildered and afraid to do business with any of them.

### **Investigating Patent Brokers.**

No doubt it is to the interest of all inventors that there should be some agency in the country that is responsible and reliable, and one that will put patents on the market in the proper manner, because an individual with a patent, as hundreds of inventors can testify, after paying for printing bills, traveling expenses, hotel bills, loss of present business and time, cannot be expected to do this work as cheaply or as quickly as an established agency with experience and facilities at its command.

In view of the fact, therefore, that those irresponsible houses, to which we have alluded, have not only fleeced inventors, but created a want of confidence in those who are attempting to build up a legitimate business upon

business principles, we ask you as sensible men to adopt such a plan in placing your patents on the market as will assure you that the agency in which you impose confidence is just what it is represented to be.

We have a reputation at stake in this matter, being the publishers of the *AMERICAN INVENTOR*; and as an earnest of our efforts in this direction, we have repeatedly published these frauds, and there are others who will shortly receive like attention.

It is true that *all* patents cannot be sold, and our judgment of what is salable is as likely to be wrong as your own, but wherever a patent is not sold, we lose money by the operation, and it is therefore proper for us to be prudent in the selection of patents for the market. This we cannot do if high prices prevail—the great stumbling block in the way of so many patentees.

We especially call the attention of inventors to the fact that, after a patent gets over five or six years old, it loses its marketable value very rapidly, and is difficult to sell, however practical the invention may be. This holds good universally if the desire is to sell territory, and all careful purchasers invariably grade the value by the time they have yet to run, as well as count the chances of new patents having been obtained in the meantime for like articles. There must be some inducement to show a profitable margin as well as assurance that they will get back their original investment.

Finally, we do not ask business from you to the exclusion of others, unless merit dictates. We are ever ready to explain our advantages, and prove all the facilities which we claim in this pamphlet. There is no inducement in the least for us to mislead, and whatever business is entrusted to our care shall be done *openly, honorably and promptly*.

### **The Cause of Prejudice Against Patents.**

That, at the present day it is difficult to sell patents, and that there is a strong prejudice against not only patent agents, but patents also, would be useless for anyone to deny. No matter how important or valuable the invention may be, there is a disposition on the part of the public to be very careful how they invest. It is true that the "hard times," in a great measure, operate against sales; still that is not the main cause and greatest obstacle in the way of making sales. The difficulty lies with inventors themselves, as well as with a class of men who perambulate through the country selling rights, who do not care what representations they make so long as they are able to make sales.

### **The First Step.**

At first, when the would-be patentee has his idea perfected, and has demonstrated that it will work practically, he considers about taking out a patent, and, although the cost in this country is only comparatively a small sum, he hesitates, and brings up the question, "will it pay?" and can he afford to risk the money to get a patent? He finally makes up his mind affirmatively and offers the application. No sooner does he get his patent allowed than his ideas change, and, with but few sensible exceptions, asks from \$25,000 to \$100,000 for an invention on which a month before he hesitated to risk a few dollars to secure a patent.

### **Inducing Capitalists.**

To induce capitalists to buy it is necessary to show them margin enough to enable them not only to make a good profit on manufacturing the article, whatever it may be, but also profit sufficient to enable them to make the money first paid for the patent, outside of the profits on manufacturing. Without the capitalist can see this, of

course he cannot be expected to buy, as there would be no inducement to invest in the patent which is regarded as an experiment until the purchaser is reimbursed.

### **How Value is Produced.**

Patents are still valuable and find buyers, when the improvement is good and the inventor puts his prices at reasonable figures, but at fancy prices a sale cannot be made. Until the patent is sold it has only imaginary value. It is only when the inventor disposes and realizes that he knows what the invention is worth to him in dollars and cents, and no invention is worth more than it will produce. Of course, when we say produce, we take it for granted that the patent is in the right hands, and has been given proper publicity and the attention which it deserves.

### **Management.**

There are thousands of valuable inventions that have only had a glimpse of light, owing to bad management in putting them before the public.

The value of an invention depends almost wholly upon whose hands it is in. To illustrate this, we mention a case which came under our observation in this city. Years ago a party bought a patent and commenced manufacturing the article. After several years of labor and endeavor to operate without the aid of advertising and withholding the goods from public knowledge, he became discouraged, gave up his business and never attempted to do anything with it until some six months ago, when he almost gave it away to get rid of it.

The parties who bought the right are men of energy and business qualifications, and to-day are not only making a large profit from manufacturing, but have sold territory enough outside to doubly repay them for the investment.

Some inventors think there is so much merit in their ideas that it will shed its own light over the world without exertion on their part, or advertising the same in some form, or giving it the energy or patience necessary to make successful sales. They find, too late, that they have lost the golden opportunity, and that the time has gone by to realize from it.

### **The Values of Patents.**

That an invention in a financial sense is worth no more than it will bring in dollars and cents, is a proposition that no one will deny, and that the value of the patent is what can be realized from it, and no more, no matter what the intrinsic merit of the invention may be is plain; then naturally follows the question what is the best means of reaching the desired point of realizing what an invention is worth?

### **How to Gain Publicity.**

Publicity and personal attention nine times out of ten will bring the proper return, but to do this the inventor must have considerable means besides devoting his whole time. As a general thing inventors, as a class, are not moneyed men, and also have their time occupied. For an individual to work up the sale of his patent it would require money for traveling expenses, hotel bills, printing and newspaper notices in the different regions canvassed by him, this would soon amount to two or three thousand dollars without a certainty of a sale at last, so to the "poor inventor" the gates are closed to that road to wealth; the question is now what is the next best method of reaching the end.

### **The Surest Way to Proceed.**

We are satisfied that the best and surest way is to advertise the patent so that capitalists abroad can hear and become interested in the invention, for inventors with a



few exceptions are like prophets "without honor in their own country, and the chances "judging by sales generally," will be made easier outside of the particular locality the inventor lives in. To bring the attention of those that have means to buy, there is no medium like the "newspaper," especially one devoted to mechanics, arts and science generally, by making the description lucid and clear, and at the same time interesting, the attention of the reader is held, and he forms his ideas if it can be made profitable or not. From the conclusion he draws, he makes inquiries and opens negotiations, after the parties are found who like the patent and wish to purchase the battle is gained, the expense of personally seeing those who wish to buy, and closing the sale is comparatively small, and in case the patentee's time is occupied, all negotiations can be made and closed through some responsible agency.

### **How to Sell Patents.**

There is no branch of industry in the United States which is more susceptible of abuse, or liable to misconceptions, than the business of selling patents. We design to give our views on this subject, and frankly present to your consideration a few reasons why we claim superiority in the manner of handling patents.

A vast number of patents are issued weekly, and among them many which are of the greatest value, not only to the public at large, but to the inventors themselves. It can not be gainsaid but that many fail to pay their originators for the time, labor and means employed.

### **Energy Required.**

A glance at the nature of successful patents is a still more astonishing fact, and invariably confirms us in the belief that not only the intrinsic and wide-spread value of those inventions give them their remunerative feature, but

that there is something still more potent, which enables inventors to realize from their products. Morse was not the first to practically demonstrate the feasibility of transmitting messages on wire, but he was the first to bring it to the notice of the public, and the history of his enterprise shows what delays and vexations he had to undergo before he was successful.

Howe was not the first inventor of the sewing machine, but he simplified the method of machine stitches, and, after years of suffering and privations, saw his invention successful. So with others of our greatest inventors. They are pre-eminently the history of energy and tact. All the avenues of industry and science are so zealously guarded that no one need flatter himself that he will stumble into a fortune on account of his ingenuity, or reap a rich harvest on account of the blundering judgment of others. It is best to be honest and open in these matters. People are becoming careful on the subject of patents. A highly practicable and novel invention is no index to its financial value unless shrewdness and energy accompany it.

### **Inventors Not Salesmen.**

Not every one is competent to sell patents. It is a business requiring peculiar talent and knowledge, and it is no argument to say that, because a man is a good inventor, he is therefore a good salesman. Indeed, the testimony of patentees, with few exceptions, is that patents are hard to dispose of at remunerative rates. Therefore, in looking over this vast branch of industry, and recognizing its great defect, we are led to the conclusion that the want of a suitable agency, through which inventors can transact their business, is needed, by which they may be enabled to bring their inventions to the notice of capitalists more favorably than by mere private agencies.

As soon as an inventor obtains a patent, the first question in his mind is: How shall I sell it.

### Professional Advisers.

Patentees, as a class, have been in the habit of receiving more prolific and gratuitous advice than any other set of men in the country. As a result of this advice, the simple question, "How?" is farther than ever from them, as a practical reality.

A set of professional advisers are ever ready to dish up stereotyped answers, while they, upon investigation, are generally found to be as inexperienced as those to whom they seek to impart wisdom.

There are men always ready to say how a thing should be done, but are unable to do it themselves. Mills can write a logical and elaborate essay on the economy of wealth, but is unable to audit his own butcher's and baker's bills. The noblest sentiments of purity may be conceived and fashioned by Edgar A. Poe, but the memory of them is the only monument over the grave of the inebriate poet.

### Unprofitable Advice.

We can conceive how such things may be possible, but, after all is said, it becomes necessary that the man to whom this advice is given should be capable of performing the task. The veriest spendthrift may be able to tell you that economy is the road to wealth, but unless you have the mental capacity to economize, you may be as unfortunate as your spendthrift adviser. It may be good advice to say that the only way to sell a patent is to put it on the market, get customers for it, and—sell. (If any other method has ever been proposed by these professional advisers, we have yet to see it.) But patentees want to

know how to put it on the market, and how to get customers.

### **Inexperienced Inventors.**

Inventors, through lack of experience, are not acquainted with the channels of the patent trade, and are often misled by designing persons to entrust their inventions into the hands of incompetent men. The result is, months and years pass away and nothing feasible is done in the way of bringing the invention to public notice.

Our first proposition is, that to make a good salesman, a knowledge of the business is necessary. This fact applies to every branch of trade, and is so apparent that to argue it would be useless; and, in the second place, practical experience and tact. The two elements of theory and practice are indispensable.

### **Characteristics of Salesmen.**

Suppose we compare the characteristics of two good salesmen in any line of business. In the case of one, his method may be plausible and confiding, minute in detail and careful in representation. He seeks to win rather by force of reason than by taking advantage of circumstances. He is an apt judge of human nature, pliable enough to fit the exact mold of his customer, and politely persuasive. The other is bold and independent, reckless in assertion, and averse to the confidence of others, apparently. The small matters of detail are too insignificant for his attention. Bravado is more effective, because used more naturally. Cunning is one of his characteristics, and frankness the best cloak for it. It would be an utter impossibility for either of these men to assume and play the *role* of the other. Both are good salesmen; but we desire to impress the idea that each man has his peculiarity of temperament. This constitutes his tact, and, when

properly combined with experience, will succeed in making a good salesman of any man who has patience and perseverance—two elements necessary in a patent salesman.

### **Inventing and Selling.**

Now, we ask, how many patentees have those qualifications? The business of selling patents is an entirely different thing from producing inventions. It is folly to say that because a man is a good inventor he is therefore a good salesman. The experience of so many patentees has, we think, fully demonstrated this fallacy. We are candid in the opinion when we say that the only way inventors can secure the reward for their ingenuity is to entrust the sale of their patents to some good, responsible party to secure negotiations. It will generally be found to be less expensive to them in the end, and avoid endless trouble and annoyance.

### **Poor Inventors.**

We are aware that the great body of inventors are poor; therefore not in a position to visit the leading manufacturers, and come in contact with moneyed men, who would invest in some staple patent. Advertising alone will accomplish nothing, unless backed up by persistent and consistent representation. We, therefore, take advantage of both of these agencies, believing them to be the only safe and reliable means to introduce inventions.

### **New Patents Most Valuable.**

We here urge what we have often repeated to inventors, that during the first year from the issue of the patent is the most valuable time to place it on the market, and we are firmly of the opinion that nine-tenths of the patents profitably disposed of are those which were energetically

handled during that period. The reason for this is apparent. New inventions are constantly being brought to public notice, and so abundant is the opportunity and so large the field for improvement, that no inventor can feel himself safe in the fancied monopoly of any particular sphere of ingenuity.

### **Age Impairs Value**

From the fact that capitalists are prone to look with distrust upon patents of two and three years standing, and it is natural that they should, when we consider that in the business world men are generally captivated by those articles which command the readiest sale, time always being regarded an important consideration in selections for business operations.

### **Location Important.**

The patentee, in the majority of cases, is not in a favorable location to transact the business pertaining to his invention. Our large manufacturing marts are generally conceded to be the most desirable, in a business point of view, and this applies with equal force in the selection of a market for a patent. In many cases, however, patents are more easily disposed of in locations suited to the development of the particular branch of industry to which the invention applies.

### **County Rights Not Sold.**

We do not refer to that particular class of patents that are sold in country neighborhoods, among farmers and others, for farm, township, shop, or county rights. We have no time or means to "huckster" rights in that way. We sell nothing less than State rights, and we will consider no proposition from parties who desire us to sell in that manner. There are parties who make it a specialty to "farm out" patents, to whom we sell rights in a body,

and who are generally designated among patent men as "small brokers."

### **Personal Solicitation Most Effective.**

No system of selling patents is effective that does not use, as its chief means, the agency of *Personal Solicitation*. As before intimated, this, in connection with a judicious system of advertising, is the only reliable method by which a patent can be speedily disposed of. Recognizing these two means as the index to a successful agency, we employ them to the exclusion of all others; and to fully carry out the plan indicated, we have fitted up our office for the representation of all patents entrusted to our care, where they are placed on exhibition for the inspection of customers, and have engaged competent and

### **Reliable Salesmen**

For the purpose of fully presenting the merits of the different inventions on exhibit, and to whom are entrusted the details of all patents in their various departments. We also employ trustworthy agents, whose business it is to personally solicit sales in various parts of the country, and who distribute circulars among that class of people most liable to invest in patents. To do this judiciously and with advantage to the patentee, as well as to ourselves, requires prudence and a thorough knowledge of the business in hand. We, therefore, select only such men as have proven themselves, by association and experience, to be fully competent.

### **Suggestions as to Prices.**

We here desire to allude to one great error into which many inventors are liable to fall, and which frequently precludes all chances of sales. There are those who insist upon placing too great a price upon their patents.

They fail to see that other people do not always look upon patents in the same light that they themselves do. They conceive fabulous prices, and, having hung their hopes thereon, fail to be guided by the experience of others. Misfortunes overtake their eager longing for sudden wealth, and they are at last doomed to bitter disappointment. We warn our friends against this course. You can afford to be reasonable with the products of your ingenuity. Frankly speaking, that era in our mechanical history, which yields its hundreds of thousands and its millions for a single patent, has passed away. We have just entered the threshold of a new period, in which inventors will be more generally rewarded, and the world at large receive more substantial benefits therefrom. In view of the fact that a patent is often restricted in price, we have resolved not to undertake the sale of a patent unless at such prices as we may deem it morally certain that a sale can be effected within the specified time.

It is true that there are numbers of parties all over the country who profess to be able to sell everything that is brought to them. If they are practical men, and have a knowledge of the business, common honesty will tell them that it is an impossibility. Any man who will undertake the sale, careless as to price and regardless of the nature of the patent, is either a novice in the business or is unworthy of your confidence. Deal only with well known and reliable parties. Such firms have a reputation at stake, and are interested as well as yourselves in doing justice.

### **Time Required.**

The usual time for which we make contracts is sixty or ninety days. In some instances sales can be effected in thirty days, but we take no contract for less than sixty days, unless for special reasons, because we do not believe



any one can thoroughly work up sales within thirty days to an advantage. We aim to obtain the highest possible prices, and to do that requires *time*.

### **Power of Attorney.**

In many instances inventors do not desire to furnish us power of attorney to make sales. In that event we send the deed to the inventor for signature, who returns it to us per express, C. O. D., that is, collecting on delivery the specified amount in the deed, after deducting the amount of our commission therefrom. A power of attorney, however, is more desirable, but we shall not, in any case, demand it. If parties see fit to entrust us with such authority, we will not refuse.

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### **TERMS FOR UNDERTAKING THE SALE OF A PATENT.**

We charge no advance fee for imaginary services, and have always aimed to introduce patents at the least possible expense to patentees. It is pretty well recognized that patentees are not the ones who usually make the most money from their inventions; therefore to charge advance fees, unless there is the most positive evidence of its proper use, and at the same time exact a large commission, greatly lessens the remuneration which should be obtained by parties who have good, practical inventions.

As every patentee knows, there are certain things necessary to introduce any patent, however good it may be, and one of the most valuable, is the printing and proper distribution of descriptions relating to the invention. Capitalists and speculators must be hunted up and appealed to, and they can be found only through a wide cast distribution of circulars or other printing matter, in connection with a thoroughly organized system of *per-*

*sonal solicitation*, by practical salesmen permanently located in the principal cities. This will make the introduction and sale of patents an accomplished fact, if it can be done at all. To employ these men (of whom this agency has over forty, whose names and locations are given in this book,) requires a constant cash outlay, which is met by our commissions on sales, and which expenses we in no instance require patentees to pay. When we add to this the cost of model transportation and expenses for stamps, clerk hire, rent, and other incidentals too numerus to mention, it is plain that the introduction of a new thing, in such a manner as to attract the attention of capitalists in all parts of the country, must necessarily be attended with a large cash outlay before a single sale is effected, and with all the risk of failure or success upon our shoulders.

For a single individual to command such facilities, operating with only a single article, would, at the start, require a larger sum of money than could be obtained for the whole patent. In view of the fact, therefore, that, even with the facilities at our command, we cannot bring the attention of capitalists and speculators to our patents without circulars or other means, we expect inventors to pay for the printing of the circulars, and also for such necessary descriptions as will enable us to properly place the patent into the market, here and elsewhere. The cost for printing such circulars and descriptions will be given on application, and in *no case* will extras be charged for services except as

### Commissions on Sales.

In cases of sales our commissions will not be more than 15 per cent., which, although low, taking into consideration the attendant expense, will enable the inventor to put his patent on the market, in a cheaper, more expedi-

tious and safer manner than ever heretofore; but experience has taught us that no reliable agency can negotiate sales for less than 15 per cent., and we shall not consider propositions from parties at less rates.

If parties are not willing to put their patents on the market in such a manner as to assure success, we do not wish to deal with them. We are ever willing to make our compensation contingent upon our success, but we are not willing to pay for the cost of printing in addition to the still greater expense of agents' salaries and expenses, since the circulars will be at the command of the patentees themselves, and the advantages of these circulars finally accrue to their benefit, whether only one State is sold, or one-half of the States.

### **Mode of Procedure.**

If you desire to put your patent in our hands for sale, send us the drawings and specifications of your invention, with a model, if you have one, stating the amount you ask for the invention, by States and as a whole. Upon receipt we will examine the same, and if we think it an undesirable invention to place in the market, we will return the papers and model. If we consider the invention feasible, and think the figures are too high, we shall take the liberty to suggest such prices as experience has taught us to be most reasonable. If satisfactory to you, we will then send you duplicate copies of contract for signature, upon receipt of which you will sign both of them, retaining one and sending the other to us, and we will at once take the necessary steps to put the patent into the market.

### **Models.**

In all cases where you have a model, or more than one, send them to us. We can always make quicker and more satisfactory sales by having an article on hand

Many inventions absolutely require a model for representation before a sale can be effected. All models must be sent to us *expressage prepaid*; otherwise we will not receive them. We do not belong to that class of agents who can make sales without models, and where parties will furnish us a dozen or more, we can use them to good advantage. These models are held by us or our agents, subject to the order of the patentee, and we will, at any time after the expiration of the contract, return them. It is the aim of the office to use the models with care and discretion, and agents are so instructed in handling them, but we cannot be responsible for the damage or breakage of models that have been consigned to our care, if such damage was caused by the representation of said models to customers, or by shipping from place to place.

### Suggestions in Transacting Business.

We suggest the following as rules in transacting your business:

1. If you have a patent, first determine how you will operate it, whether by selling territory, or by manufacturing it yourself, or on royalty.
2. In the event you decide to sell the territory and intend to secure agents, write to parties who are engaged in the business and ascertain their standing and reliability. This course can injure none but irresponsible agencies, and is no more than justice to yourself.
3. Always give the number of your patent, with date of issue.
4. Indicate what your price is for State rights, or for the territory as a whole. Have some price, whatever it may be. Your opinion is worth something.
5. State, as near as you can, what the cost of your article will be to manufacture; also selling price.

6. Give the advantages arising from its use, or the extent of its sale, if it has been introduced, and such other information as may be of value in determining its probable salable value by territory

7. And particularly make your letters short and to the point. We have not the time nor the inclination to pore over long letters, nor is it necessary that we should do so to form an idea of the salability of a patent.

We want those with whom we transact business to thoroughly understand our method and requirements, and to do this we ask you to carefully read over the foregoing pages relating to the sale of patents

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### PROGRESS OF INVENTION.

During the years from 1790 to 1812 inventors confined themselves almost wholly to agricultural and commercial objects. Implements for tilling the soil and converting its products, and machinery for navigation attracted most attention. Manufactures, except of a purely domestic character for domestic purposes, were hardly known. The arts were poorly understood and little cultivated. The necessities of the new world drove its enterprise into other channels, and its people looked to Europe for manufactured products not directly connected with the necessities of life or demanded by the development of its commerce and agriculture. The war of 1812, however, forced our people to attempt production in many branches of manufacture and industry heretofore almost wholly uncultivated, and the result was the most remarkable development of human ingenuity ever known to any age or country. It is a source of great regret that no well-preserved history of American inventions, dating from this time, is in existence, and that no classified list of

models which were in the office at the time of the fire in 1836 can be obtained. The earliest date that can be reached is January 21, 1823, and that is only partially complete, but it gives the number in the most important classes as follows:

**List of Models in the Patent Office January 21, 1823.**

|                                       |             |
|---------------------------------------|-------------|
| Propelling boats.....                 | 38          |
| Carding machines.....                 | 8           |
| Making carriage wheels.....           | 4           |
| Plows.....                            | 65          |
| Threshing machines.....               | 20          |
| Winnowing machines.....               | 25          |
| Bridges.....                          | 13          |
| Saw mills.....                        | 26          |
| Water mills.....                      | 17          |
| Wind mills.....                       | 7           |
| Water wheels.....                     | 26          |
| Pumps.....                            | 66          |
| Presses.....                          | 56          |
| Looms.....                            | 45          |
| Stocking looms.....                   | 3           |
| Spinning machines.....                | 28          |
| Fire engines.....                     | 10          |
| Steam mills.....                      | 14          |
| Nail-cutting machines.....            | 95          |
| Machines for making barrels, etc..... | 1           |
| Mud machines.....                     | 7           |
| Flax-dressing machines.....           | 6           |
| File-cutting machines.....            | 6           |
| Machines for cutting dye-woods.....   | 6           |
| Cloth-shearing machines.....          | 16          |
| Straw-cutting machines.....           | 10          |
| Boring machines.....                  | 3           |
| Locks.....                            | 12          |
| Guns.....                             | 2           |
|                                       | <hr/>       |
|                                       | 635         |
| For various other purposes.....       | 1,184       |
| Total.....                            | <hr/> 1,819 |

These models were classified as follows:

1. Agriculture—Plows, Harrows, Cultivators, Planting, Seeding, Mowing and Threshing Machines, Rakes, Wheat-Fans, Straw-Cutters, etc.
2. Factory Machinery—For Cotton, Wool, Flax, Hemp, Paper-Rolling and Slitting Mills, Nail-Cutters, etc.
3. Navigation—Ships, Boats, Marine Railways, Canal-Locks, Mud Machines, Dry-Docks, etc.
4. Land Works—Railways, Roads, Bridges, Excavating and Boring Machines, Pile-Engines, etc.
5. Common Trades—Brick-making and Planing Machines, Trip Hammers, Bellows, Turning Lathes, Chains, Washing Machines, Household Furniture and Utensils; also, Boots, Shoes, Saddles, Harness, etc.
6. Wheel Carriages—Coaches, Chairs, Wagons, Carts, Waywisers, Mail-Bags, Boats, etc.
7. Hydraulics—Pumps, Fire Engines, Hose Valves, etc.
8. Calorific and Steam Apparatus—Furnaces, Fire places, Stoves, Boilers, Stills, Steam Engines, etc.
9. Mills—Water and other Wheels, Grist Mills, Saw Mills, and the various parts of their machinery.
10. Lever and Screw Power—Applied to Printing, Coining, and other Presses.
11. Arms—Cannons, Mortars, Muskets, Rifles, Pistols, Percussion, and other Locks, Swords, etc.
12. Mathematical Instruments—For Surveying, Mining and Nautical purposes.
13. Chemical Compositions—Patent Medicines, Cements, Dyes, etc.
14. Fine Arts—Musical Instruments, Paints, Varnishes, Gildings, Sculpture, Architecture and Gardening.

### **Abuses of the First Laws.**

From 1790 to the re-organization of the Patent Office in 1836, there were granted 11,348 patents, a large num-

ber of which, on account of lack of novelty or usefulness, were valueless, but among them were some of the most important inventions of the age. The abuses which grew out of the promiscuous granting of patents without further inquiry than as to the payment of the fee and the form of the application, attracted public attention in the early part of the present century, but it was not until 1836 that opposition to this system was strong enough to invoke Congressional action. Early in that year Senator Ruggles, of Maine, who was the early champion of a reform of the abuses which the act of 1793 made possible, moved in the Senate for "A select committee of five to take into consideration the state and condition of the Patent Office and the laws relating to the issuing of patents for new and useful inventions and discoveries." The committee was appointed, and on the 28th day of April, of the same year, made an extended report, setting forth the abuses which had grown up as a necessary consequence of the act of 1793, and presented a bill for a re-organization of the Patent Office, which became a law on July 4, 1836.

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### GUIDES FOR ESTIMATING THE VALUE OF PATENTS.

Probably nothing in the patent business is so hard to arrive at as a basis for the valuation of territorial rights. We have always contended that population is no true basis of a valuation, for while in many cases, such as domestic articles, this might apply, yet there are other elements which far more than outweigh the supposed condition of a similarity in all communities. Thus, for instance, we may take Mississippi, with a population of 850,000, and New Jersey, with a population of 900,000, and according to the idea that a domestic article is worth



the same in all places, New Jersey would be worth but little, if any, more than Mississippi. But the fact is that, of the enumerated population in the latter State, nearly two-thirds are blacks, and hence the value must necessarily be placed on some other basis. But this is not only true as a comparison between Northern and Southern States. Texas, with a population of 800,000, and a small proportion of negroes, must be considered as a more favorable State than Mississippi, notwithstanding it has a less population, according to the census of 1870.

The negro element being much larger in the South than in the North, due allowance must be made for a difference in price. On this alone we should make a reduction of at least  $33\frac{1}{3}$  per cent. That is taking a Northern and Southern State of equal population, in comparison, we should consider the latter worth one-third less as an investment.

### Sectional Inventions.

Then again there are patents which are sectional. Thus mechanical contrivances of the higher order, such as mathematical instruments, surveyors apparatus, steam engines, etc., etc., the East is more valuable; for agricultural implements, the West. Then there are such inventions as appertain solely to the South, among which we may name the cotton gin, seeders and presses. Besides this, it must be taken into consideration that very many inventions are not of such a nature as to make sales of territorial rights a possibility. They usually belong to the larger and more expensive inventions, and require large means to operate.

It cannot be disputed that in these times very few patents are sold as a whole. The most rapid sales are made of inventions that are small and easily handled; articles that can be manufactured anywhere. If the entire

territory is sold in one transaction, it is for a low price, much less, in many instances, than might be obtained for a fourth of the entire territory, if sold by States. This is owing to the scarcity of money and an aversion to too deep speculation, even on the part of those who usually make a business of patent speculation. Our experience leads us to believe that the number of patent buyers is greater than ever, and that individually they are in command of less money and less inclined to hazardous investment than formerly.

To enable inventors to judge somewhat of relative values as between States, we give below the order of them, in which 1 is regarded as the best, 2 the second best, etc.:

1. Pennsylvania, New York, Illinois, Ohio.
2. Massachusetts, Indiana, Missouri.
3. Michigan, Iowa, Wisconsin.
4. Tennessee, Virginia, North Carolina, Kentucky, Georgia, Maryland, New Jersey, Texas, California.
5. Alabama, Louisiana, Maine, Mississippi, S. Carolina.
6. Arkansas, Connecticut, Minnesota, New Hampshire, Vermont, West Virginia, Kansas.
7. Rhode Island, Delaware, Florida, Nebraska.
8. Nevada, Oregon, Colorado, District Columbia, New Mexico, Utah.
- 9 Territories.

It must be remembered that this scale is subject to the modifications to which we have referred; but the average is a good one, and we have followed out, not altogether, the population of the States, but such other elements as our experience has shown us to be valuable in making estimates.

### **Population of the United States**

We herewith give a table of States, with population, number of counties and the average number of inhabitants in each county. This table will serve a useful pur-

pose in estimating values in accordance with the foregoing remarks:

| STATES.                    | POPULATION. | NO. COUNTIES | POPULATION PER CO. |
|----------------------------|-------------|--------------|--------------------|
| Alabama .....              | 996,988     | 67           | 14,890             |
| Arkansas .....             | 483,179     | 61           | 7,921              |
| California .....           | 560,285     | 50           | 11,206             |
| Connecticut .....          | 125,015     | 8            | 15,629             |
| Florida .....              | 187,750     | 41           | 4,653              |
| Georgia .....              | 1,194,089   | 133          | 8,978              |
| Illinois .....             | 2,539,638   | 102          | 24,898             |
| Indiana .....              | 1,892,562   | 92           | 20,571             |
| Iowa .....                 | 1,191,802   | 99           | 12,038             |
| Kansas .....               | 362,872     | 79           | 4,586              |
| Kentucky .....             | 1,321,001   | 115          | 11,437             |
| Louisiana .....            | 732,731     | 54           | 13,568             |
| Maine .....                | 626,463     | 16           | 39,154             |
| Maryland .....             | 780,806     | 22           | 35,492             |
| Massachusetts .....        | 1,457,351   | 14           | 104,075            |
| Michigan .....             | 1,184,296   | 79           | 14,991             |
| Minnesota .....            | 435,511     | 78           | 5,584              |
| Mississippi .....          | 627,117     | 65           | 9,492              |
| Missouri .....             | 1,711,796   | 114          | 15,014             |
| Nebraska .....             | 150,372     | 59           | 2,549              |
| Nevada .....               | 42,491      | 17           | 2,499              |
| New Hampshire .....        | 318,300     | 10           | 31,830             |
| New Jersey .....           | 905,794     | 21           | 43,134             |
| New York .....             | 4,364,411   | 60           | 72,740             |
| North Carolina .....       | 1,065,505   | 91           | 11,708             |
| Ohio .....                 | 2,662,214   | 88           | 30,253             |
| Oregon .....               | 90,922      | 23           | 3,953              |
| Pennsylvania .....         | 3,499,248   | 66           | 53,018             |
| South Carolina .....       | 640,327     | 32           | 20,017             |
| Rhode Island .....         | 217,356     | 5            | 43,462             |
| Tennessee .....            | 1,257,983   | 85           | 14,799             |
| Texas .....                | 650,238     | 161          | 4,089              |
| Vermont .....              | 280,563     | 14           | 20,043             |
| Virginia .....             | 1,224,830   | 149          | 8,221              |
| West Virginia .....        | 445,616     | 53           | 8,407              |
| Wisconsin .....            | 1,055,167   | 61           | 17,297             |
| District of Columbia ..... | 131,706     | ...          | ...                |
| Colorado .....             | 39,706      | 21           | 1,891              |

### FORMS.

#### **Assignment of an Entire Interest in an Invention Before the Issue of Letters Patent.**

Whereas I, A. B., of ———, county of ———, State of ———, have invented a certain new and useful invention, or improvement in ———, (giving the title of the same,) for which I am about to make application for letters patent of the United States; and, whereas, G. D., of ———, county of ———, State of ———, is desirous of acquiring an interest in said invention, and in the letters patent to be obtained therefor:

Now, therefore, to all whom it may concern, be it known that for and in consideration of the sum of ——— dollars, to me in hand paid, the receipt of which is hereby acknowledged, I, the said A. B., have sold, assigned, transferred, and set over, and by these presents do sell, assign, transfer, and set over unto the said G. D., the full and exclusive right to the said invention, as fully described in the specification prepared and executed by me preparatory to obtaining letters patent of the United States therefor, and I do hereby authorize and request the Commissioner of Patents to issue the said letters patent to the said G. D., as the assignee of my entire right, title and interest in and to the same, for the sole use and behoof of the said G. D. and his legal representatives.

In testimony whereof I have hereunto set my hand and affixed my seal, this — day of ———, A. D. 187—.

In presence of—

A. B. [SEAL.]

O. P.

S. T.

#### **Assignment of the Entire Interest in Letters Patent.**

Whereas I, C. D., of ———, county of ———, State of ———, did obtain letters patent of the United States for (mentioning the title of the invention,) which letters

patent are numbered ———, and bear date the ——— day of ———, in the year one thousand eight hundred and —, and whereas I am now the sole owner of said patent and of all rights under the same; and whereas E. F., of ———, county of ———, State of ———, is desirous of acquiring the entire interest in the same:

Now, therefore, to all whom it may concern, be it known that for and in consideration of the sum of ——— dollars, to me in hand paid, the receipt of which is hereby acknowledged, I, the said C. D., have sold, assigned, transferred, and set over, and by these presents do sell, assign, transfer, and set over unto the said E. F., all the right, title, and interest whatsoever which I have in and to the said improvement in (title,) and in and to the letters patent therefor aforesaid; the same to be held and enjoyed by the said E. F., for his own use and behoof, and for the use and behoof of his legal representatives, to the full end of the term for which said letters patent are, or may be granted, (thus including extension,) as fully and entirely as the same would have been held and enjoyed by me had this assignment and sale not been made.

In testimony whereof — have hereunto set — hand and affixed — seal, this ——— day of ———, A. D. 187—.

In presence of—

C. D. [SEAL.]

N. P.

O. T.

### **Assignment of an Undivided Interest in the Letters Patent.**

Whereas I, L. M., of ———, county of ———, State of ———, did obtain letters patent of the United States for (giving title,) which letters patent are numbered —, and bear date the ——— day of ———, in the year one thousand eight hundred and —; and whereas D. E.,

of ———, county of ———, State of ———, is desirous of acquiring an interest in the same:

Now, therefore, to all whom it may concern, be it known that for and in consideration of the sum of ——— dollars, to me in hand paid, the receipt of which is hereby acknowledged, I, the said L. M., have sold, assigned, transferred, and set over, and by these presents do sell, assign, transfer and set over unto the said D. E., the undivided one-half part of all the right, title and interest whatsoever which I have in and to the said invention, and in and to the letters patent therefor aforesaid; the said undivided one-half part to be held and enjoyed by the said D. E., for his own use and behoof, and for the use and behoof of his legal representatives, to the full end of the term for which said letters patent are, or may be granted, (thus including extension,) as fully and entirely as the same would have been held and enjoyed by me had this assignment and sale not been made.

In testimony whereof — have hereunto set — hand and affixed — seal, this ——— day of ———, A. D., 187—.

In presence of— ———, [SEAL.]

———  
———

### **Assignment of Territorial Interest After Grant of Patent.**

Whereas I, Q. X., of ———, county of ———, State of ———, did obtain letters patent of the United States for (giving title,) which letters patent are numbered ———, and bear date the ——— day of ———, in the year one thousand eight hundred and —; and whereas I am now the sole owner of the said patent and of all rights under the same in the below recited territory; and whereas W. O., of ———, county of ———, State of ———, is desirous of acquiring an interest in the same:

Now, therefore, to all whom it may concern, be it

known that for and in consideration of the sum of ——— dollars, to me in hand paid, the receipt of which is hereby acknowledged, I, the said Q. X., have sold, assigned, transferred, and set over, and by these presents do sell, assign, transfer and set over unto the said W. O., all the right, title and interest whatsoever which I have in and to the said invention, (or improvement,) as secured to me by said letters patent, for, to and in the State of ———, and for, to, or in no other place or places; the same to be held and enjoyed by the said W. O. within and throughout the above specified territory, but not elsewhere, for his own use and behoof, and for the use and behoof of his legal representatives, to the full end of the term for which said letters patent are, or may be granted, (thus including extension,) as fully and entirely as the same would have been held and enjoyed by me therein had this assignment and sale not been made.

In testimony whereof — have hereunto set — hand and affixed — seal this ——— day of ———, A. D. 187—.

In the presence of—

Q. X. [SEAL.]

S. T.

R. D.

### License—Shop-Right.

In consideration of fifty dollars, to be paid by the firm of S. J. & Co., of ———; I do hereby license and empower the said S. J. & Co. to manufacture in said ———, or some other place or places as he or his firm may elect, the improvement in cotton-seed planters, for which letters patent of the United States, No. 71,846 were granted to me November 13, 1868, and to sell the machines so manufactured throughout the United States, to the full end of the term for which said letters patent are granted.

Witness my hand this 22d day of April, 1869.

A. B.

**License—Not Exclusive—With Royalty.**

This agreement, made this 12th day of September, 1868, between A. B., party of the first part, and C. D. & Co., party of the second part, witnesseth that, whereas letters patent of the United States for an improvement in horse-rakes were granted to the party of the first part, dated October 4, 1867; and whereas the party of the second part is desirous of manufacturing horse-rakes containing said patented improvement; now, therefor, the parties have agreed as follows:

**[Conditions.]**

In witness whereof the parties above named have hereunto set their hands the day and year first above written.

A. B.

C. D. &amp; Co.

**Transfer of a Trade Mark.**

We, A. B. and C. D., of ———, partners under the firm name of B. & D., in consideration of five hundred dollars to us paid by E. F., of the same place, do hereby sell, assign, and transfer to the said E. F. and his assigns, the exclusive right to use in the manufacture and sale of stoves a certain trade mark for stoves deposited by us in the United States Patent Office, and recorded therein July 15, 1870; the same to be held, enjoyed and used by the said E. F. as fully and entirely as the same would have been held and enjoyed by us if this grant had not been made.

Witness our hands this 20th day of July, 1870.

A. B.

C. D.

---

**BLANKS.**

We furnish blank forms of every description and prepare assignments or papers relating to sales, royalty or manufacturing rights.

For attending to recording of assignments, power of attorney, etc., a small fee is charged. Any information relating to sales, royalty rights and the like, will be cheerfully given on application.



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# OUR REFERENCES.

We take pleasure in referring to parties for whom we have done business. The following is a partial list of men for whom we have lately procured patents:

Bushnell & Calhoun, Cimarron, New Mexico, Fruit Picker, No. 212,588; February 25, 1879.

Eugene Berninghaus, Cincinnati, O., Barber Chairs, No. 207,099; August 20, 1878.

Isabella Hillen, Newport, Ky., Stirrups.

Fred. and Val. Becker, Cincinnati, O., Baling Press, No. 210,901; December 17, 1878.  
Lever Press, 206,527; July 30, 1878.

G. A. Neal, Smithfield, Ky., Car Brake, No. 204,679; June 11, 1878.

Peter Dunbar, Cincinnati, O., Ironing Table, No. 200,648; February 26, 1878. Clothes Dryer, No. 204,658; June 11, 1878.

Frank Mayrhofer, Delphos, O., Saw and Horse.

G. W. Rhyneanson, Avondale, O., Cigar Bundler and Binder, No. 205,300; June 25, 1878.

Thomas Lee, Cincinnati, O., Peanut Roaster, No. 212,146; February 11, 1879.  
Cooker and Steamer, No. 213,763; April 1, 1879.

H. E. Van Benschoten, Hillsdale, N. Y., Boots and Shoes, No. 210,824; December 10, 1878.

James Skardon, Cincinnati, O., Darning Attachment for Sewing Machine.

P. S. Smout, Decorah, Iowa, Chimney Tops.

C. H. Schalle, Cincinnati, O., Lamp Lighter, No. 207,369, August 27, 1878.

David Stallard, Jr., New Liberty, Owen County, Ky., Hoop Stretcher, No. 210,815; December 10, 1878.

J. C. Taber, Cincinnati, O., Stove Funnel.

Jas. E. Morgan, Paducah, Ky., Bee Hive, No. 204,678; June 11, 1878.

Coffman & Havens, Carroll, O., Sash Fastener, No. 206,664; August 6, 1878.

John H. Brooke, Cincinnati, O., Combination and Transformation Patterns.

E. R. Deverall, Cincinnati, O., Oil Cans.

James H. Gulick, Cincinnati, O., Machines for Cutting Green Corn from the Cob.

Simon Hawker, Cincinnati, O., Bed Bottom

W. C. C. Rouse, Florence Cross Roads, Ky., Automatic Railroad Gate.

The following well-known gentlemen in this city can give you information as to our standing and reliability:

|                                                                    |                                                       |
|--------------------------------------------------------------------|-------------------------------------------------------|
| Hon. Joseph Kinsey, Pres't Post & Co., Cor. Elm and Pearl Streets. | Col. Thos. Mason, 140 W. Front.                       |
| Becker Bros., 51 Race Street.                                      | Geo. I. Yeager, Ed Ins. Herald, 55 West Third Street. |
| John L. Boyer, Vice-President Globe Rolling Mill Co.               | Eugene Berninghaus, No. 84 Western Avenue.            |
| Bradstreet Co. Mercantile Agency.                                  | Geo. C. Smith, 138 Race Street.                       |
| A. J. White.                                                       | W. W. Murphy, M. D.                                   |

We ask our correspondents to write to any business men in this city, if they prefer doing so, and ascertain through them whether we are responsible and have the reputation of dealing fairly and honorably.

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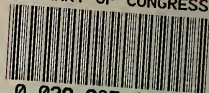
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